

53B-8d-101. Title.

This chapter is known as the "Tuition Waivers for Wards of the State Act."

Enacted by Chapter 279, 2001 General Session

53B-8d-102. Definitions.

As used in this chapter:

- (1) "Division" means the Division of Child and Family Services.
- (2) "Long-term foster care" means an individual who remains in the custody of the division, whether or not the individual resides:
 - (a) with licensed foster parents; or
 - (b) in independent living arrangements under the supervision of the division.
- (3) "State institution of higher education" means:
 - (a) those institutions designated in Section 53B-1-102; and
 - (b) any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including:
 - (i) business schools;
 - (ii) technical schools;
 - (iii) applied technology centers;
 - (iv) trade schools; and
 - (v) institutions offering related apprenticeship programs.
- (4) "Tuition" means tuition at the rate for residents of the state.
- (5) "Ward of the state" means an individual:
 - (a) who is:
 - (i) at least 17 years of age; and
 - (ii) not older than 26 years of age;
 - (b) who had a permanency goal in the individual's child and family plan, as described in Sections 62A-4a-205 and 78A-6-314, of long-term foster care while in the custody of the division; and
 - (c) for whom the custody of the division was not terminated as a result of adoption.

Amended by Chapter 3, 2008 General Session

53B-8d-103. Tuition waivers for wards of the state.

- (1) Beginning in the 2001-02 academic year, and subject to the limitations in Subsections (2), (3), and (4), a state institution of higher education shall waive tuition for each ward of the state who meets the following requirements:
 - (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;
 - (b) is a resident student of the state as determined under Section 53B-8-102;
 - (c) applies to the division for a waiver of tuition under this chapter and provides evidence satisfactory to the division that:
 - (i) the applicant was in the custody of the division for an aggregate period of not less than 24 months; and

(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (2);

(d) applies under Subsection (1)(c) for the first time before the age of 22;

(e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;

(f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

(2) A ward of the state is eligible for a tuition waiver under this section of not more than nine semesters.

(3) Tuition shall be waived:

(a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and

(b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver under this chapter.

(4) An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

Enacted by Chapter 279, 2001 General Session

53B-8d-104. Notice of tuition waiver approval -- Annual appropriation.

(1) Upon receiving an application under Section 53B-8d-103, the division shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Section 53B-8d-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

(2) The division shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this chapter.

(3) The division shall reimburse the state's institutions of higher education for any tuition waived under this chapter.

(4) The division shall annually report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts reimbursed by the division under this chapter for the fiscal year.

(5) The Legislature may annually appropriate the funds necessary to implement this chapter, including money to offset the reimbursement of tuition waivers.

Enacted by Chapter 279, 2001 General Session